IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14025 of 2004

Between:

Shaik Khadeer Ahmed S/o Nazeer Ahmed
R/o. H. No. 1-102, Main Bazar, T. Sundupalli

Post & Mandal, Cuddapah District.

..... PETITIONER

AND

1 The Area Manager, Indane Area Officer Indian Oil

Corporation Ltd., GVR. Towers
Bharathinagar, Ring Road, Vijayawada-520 008
2 Indian Oil Corporation Ltd., NO. 3-6-436 to 438, III Floor,

“Naspur House", Himayathnagar, Hyderabad,
rep by its Chief LPG Managaer

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly in the nature of Writ of Mandamus or any other appropriate Writ or order or direction declaring the proposed action of the respondents in not appointing the petitioner as L.P.G. Distributor for T. Sundupalli, Cuddapah District., is arbitrary, illegal, unjust and in violation of the principles of natural justice and consequently direct the respondents to appoint the petitioner as LPG Distributor of IOC. at T. Sundupalli Mandal, Cuddapah District is arbitrary illegal unjust and in violation of the principles of natural justice and consequently direct the respondents to appoint the petitioner as LPG. Distributor of IOC at T. Sundupalli Mandal, Cuddapah District

Counsel for the Petitioner: MR.V.GOWRI SHANKARA RAO

Counsel for the Respondent Nos.1 & 2: MR. P.V.SANJAY KUMAR

The Court at the admission stage made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14025 OF 2004

ORDER:

The petitioner is one of the applicants for appointment of L.P.G. Distributor on the basis of a notification issued by the respondents in July, 1998. At that time they have not made any appointments. Later, on 15-07-2000, the respondent issued re-advertisement for the appointment of 75 Distributors throughout Andhra Pradesh. Pursuant to the said advertisement, the petitioner made an application for appointing him as L.P.G. Distributor of I.O.C., T.Sundupalli. On 10-10-2003, the respondent No.1 sent a call letter to the petitioner requesting to appear before the Dealer Selection Committee for interview to be held on 27-10-2003. Accordingly, on 27-10-2003, the petitioner appeared before the Dealer Selection Committee for interview, and he produced all the required original documents. He further states that 11 candidates appeared for interview including himself, and after conducting interviews on 27-10-2003, the first respondent exhibited a notice in the notice board declaring that the petitioner has been selected for the appointment of L.P.G. Distributorship of T.Sundupalli. He was waiting for the letter of appointment, but the respondents so far did not give any appointment letter. The petitioner further states that the Manager of I.O.C. came to his village and ascertained about his involvement in a criminal case, and the respondent orally informed him that he will not be given any appointment, in view of his involvement in Crime No.229 of 2001 registered against him under Section 498-A of the Indian Penal Code, at the instance of his wife.

2. The grievance of the petitioner is that the respondents without considering his case as to when the crime was registered, what was the nature of offence, who was the complainant, and without giving him any opportunity, orally informing him that he will not be selected, is causing any amount of prejudice

and injustice to him. He, therefore, approached this Court seeking a direction to the respondents to pass appropriate orders after giving him an opportunity to represent his case, and after verifying the papers relating to the crime, whether it was registered prior to the date of application or subsequent to the date of application, etc.,

3. In the light of the circumstances explained by the petitioner, the respondents are directed to fix a date for the appearance of the petitioner before the appropriate authorities, give him an opportunity to produce whatever material that is available with him regarding the crime or any other material relating to the granting of the Distributorship, and after hearing the petitioner the respondent shall pass appropriate orders as per the existing Rules, and communicate the same to the petitioner within one month from the date of his appearance.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

10th August, 2004

SKM

TO

1 The Area Manager, Indane Area Officer Indian Oil

Corporation Ltd., GVR. Towers
Bharathinagar, Ring Road, Vijayawada-520 008

2 The Chief LPG Managaer, Indian Oil Corporation Ltd.,

No.3-6-436 to 438, III Floor, Naspur House",

Himayathnagar, Hyderabad,

3 Two C.D.Copies.